

REMARKS

This Amendment and Request for Reconsideration is submitted in response to an outstanding Office Action dated February 18, 2004, the shortened statutory period for response set to expire on May 18, 2004. Accordingly, no Petition or Fee for Extension of time are believed due. However, in the event that the Commissioner determines that an extension of time or fee are due, the undersigned hereby petitions for such extension of time and authorizes the Commissioner to charge deposit account 13-3250 for any required fee.

I. Status of the Claims

Please amend claims 1, and 17 as indicated above. Claims 1-17 are now pending in the application. Claims 1 and 17 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 1-16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully submit that the stated basis for rejection is improper and that the claims as originally drafted do constitute patentable subject matter. However, in the interest of advancing the case to allowance, applicants have amended claim 1 to expressly recite computer apparatus. Accordingly, applicants submit that any basis for rejection under § 101 is overcome and ask the Examiner to withdraw the rejection.

III. Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 16 and 17 under 35 U.S.C. § 102(e) as being anticipated by Nizzari (U.S. Patent No. 6,014,647).

As an initial matter, applicants do not admit that Nizzari is prior art to the claimed inventions.

Claim 1 recites collecting interaction data; computer processing said collected interaction data with connectivity and diversity measures, wherein connectivity is a measure for assessing how well entities are connected to their environments and diversity is a measure for assessing how diverse entities are in their interactions with or connections to their environment; and displaying said processed interaction data and appropriate raw interaction data for interaction analyses.

Claim 17 recites a system for interactive visual analysis of interactions among entities, where entities are individuals or groups, which comprises: ... a microprocessor and a storage unit; ... algorithms stored in said storage unit and operable by said microprocessor for measuring connectivity and diversity of entities based on their interactions, wherein connectivity is a measure for assessing how well entities are connected to their environments and diversity is a measure for assessing how diverse entities are in their interactions with or connections to their environment; [and] a set of programs for accessing interaction data and generating views dynamically.

The Examiner states that in Nizarri, “connectivity is represented by the communication occurring over a telephone channel and diversity is represented by the communication occurring over a data channel where the data channel is a data network.” Applicants respectfully submit that the recited disclosure of Nizzari does not disclose or suggest the claimed connectivity and diversity measures, wherein connectivity is a measure for assessing how well entities are connected to their environments and diversity is a measure for assessing how diverse entities are in their interactions with or connections to their environment. At least for this reason, applicants submit that independent claims 1 and 17, and the claims that depend therefrom are allowable over the cited reference, and ask the Examiner to withdraw the rejection as to this basis.

IV. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-5, 10-13, and 15 under 35 U.S.C. § 103 as being unpatentable over Nizarri in view of Johnson (U.S. Patent No. 5,964,839). The Examiner has also rejected claims 6-9 and 14 under 35 U.S.C. § 103 as being unpatentable over Nizarri in view of Herz (U.S. Patent No. 6,029,195).

As an initial matter, applicants do not admit that Herz is prior art to the claimed inventions.

Applicants have explained above why Nizarri does not disclose or suggest independent claim 1. Applicants further submit that neither Johnson nor Herz disclose the claimed connectivity and diversity measures, wherein connectivity is a measure for assessing how well entities are connected to their environments and diversity is a measure for assessing how diverse entities are in their interactions with or connections to their environment. At least for this reason, neither the combination of Nizarri and Johnson nor the combination Nizarri and Herz discloses or suggests all of the claim limitations of the rejected dependent claims, and applicants request that the Examiner withdraw the rejection as to this basis.

III. Request for Reconsideration

Applicants respectfully submit that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

PATENT

Docket No.: 36287-00101

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy LLP

A handwritten signature in black ink, appearing to read 'C. L. Holm', written over a horizontal line.

Chris L. Holm
Reg. No.: 39,227

May 18, 2004

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